

1 WRIGHT, FINLAY & ZAK, LLP

2 Darren T. Brenner, Esq.

3 Nevada Bar No. 8386

4 Lindsay D. Robbins, Esq.

5 Nevada Bar No. 13474

6 7785 W. Sahara Ave., Suite 200

7 Las Vegas, NV 89117

8 (702) 637-2345; Fax: (702) 946-1345

9 [dbrenner@wrightlegal.net](mailto:dbrenner@wrightlegal.net)

10 [lrobbins@wrightlegal.net](mailto:lrobbins@wrightlegal.net)

11 *Attorneys for Plaintiff, Deutsche Bank National Trust Company, as Indenture Trustee for*  
*American Home Mortgage Investment Trust 2007-1*

12 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

13 DEUTSCHE BANK NATIONAL TRUST  
14 COMPANY, AS INDENTURE TRUSTEE  
15 FOR AMERICAN HOME MORTGAGE  
16 INVESTMENT TRUST 2007-1,

17 Plaintiff,

18 vs.

19 OLD REPUBLIC TITLE INSURANCE  
20 GROUP, INC.; OLD REPUBLIC NATIONAL  
21 TITLE INSURANCE COMPANY;  
22 FOUNDERS TITLE COMPANY OF  
23 NEVADA; DOE INDIVIDUALS I through X;  
24 and ROE CORPORATIONS XI through XX,  
25 inclusive,

26 Defendants.

27 Case No.: 3:20-cv-00535-MMD-CLB

28 **MOTION FOR EXTENSION OF TIME  
TO SERVE SUMMONS AND  
COMPLAINT**

29 Plaintiff, Deutsche Bank National Trust Company, as Indenture Trustee for American  
30 Home Mortgage Investment Trust 2007-1 (“Deutsche Bank”), by and through its counsel of  
31 record, Darren T. Brenner, Esq. and Lindsay D. Robbins, Esq. of the law firm of Wright, Finlay  
32 & Zak, LLP, hereby moves for a 60-day extension of time to serve process on Defendant,  
33 Founders Title Company of Nevada (“Founders Nevada”) pursuant to Rule 4 of the Federal  
34 Rules of Civil Procedure.

## I. INTRODUCTION AND FACTS

On September 22, 2020, Deutsche Bank commenced this suit in the Eighth Judicial District Court, Case No. CV20-01412, against Defendants for breach of contract and bad faith arising out of Old Republic National's wrongful denial of a title policy claim for indemnity and defense of title stemming from a Nevada HOA foreclosure sale. The same day, Old Republic National removed to this Court. Founders Nevada issued the Policy which provided for affirmative coverage for losses arising from the HOA's superpriority lien. Founders Nevada is therefore, a proper party to this action, as they issued and underwrote the Policy connected to the purchase of the Property.

Deutsche Bank has been unsuccessful at serving Founders Nevada to date. Founders Nevada does not maintain a registered agent for service within the state of Nevada; however the Nevada Secretary of State website identifies several out-of-state officers for which Deutsche Bank may serve under Fed. R. Civ. P. 4(h).<sup>1</sup>

Title	Name	Address	Last Updated	Status
President	GORDON H. HELLWIG, JR.	10464 BRUNSWICK RD, PO BOX 1102, GRASS VALLEY, CA, 95945, USA	1/28/2005	Active
Secretary	WILLIAM S. GREGORY	901 H STREET, STE 400, SACRAMENTO, CA, 95814, USA	1/28/2005	Active
Treasurer	WILLIAM S. GREGORY	901 H STREET, STE 400, SACRAMENTO, CA, 95814, USA	1/28/2005	Active
Director	P MICHAEL TRUDEAU	350 CALIFORNIA ST SUITE 1200, SAN FRANCISCO, CA, 94104, USA	6/16/2005	Active

December 21, 2020 is the current deadline to serve Founders Nevada pursuant to Fed. R. Civ. P. 4(m). Given that the officers for Founders Nevada are all located out-of-state, the addresses were last updated in 2005, and in light of the COVID-19 pandemic and upcoming

<sup>1</sup> A true and correct copy of the printout from the Nevada Secretary of State Website is attached as **Exhibit 1**.

1       holidays, Deutsche Bank requests a 60-day extension of time to serve the Summons and  
2       Complaint on Founders Nevada. While the addresses for the various officers are dated, their  
3       status is identified as “active” and Deutsche Bank is hopeful that service on Founders Nevada at  
4       these out-of-state addresses will be effectuated within the time period requested. The 60-day  
5       extension will allow Deutsche Bank sufficient time to not only effectuate out-of-state service on  
6       Founders Title’s out-of-state officers and directors, but also to confirm whether additional steps  
7       are necessary to serve Founders Nevada.

8           **II.       ARGUMENT**

9           Fed. R. Civ. Pro. 4(h) provides that a corporation within a judicial district of the United  
10      States may be served in a judicial district of the United States by following state law for serving  
11      a summons in an action brought in courts of general jurisdiction in the state where the district  
12      court is located or by delivering a copy of the summons and complaint on a registered agent or  
13      in any manner prescribed by Fed. R. Civ. P. 4(e)(1) for serving an individual. Fed. R. Civ. P.  
14      4(e)(1) similarly allows service provided for by state law. Nev. R. Civ. P. 4.2(c)(1)(A) provides  
15      for service of process on an entity by leaving process with the registered agent thereof or any  
16      officer or director of a corporation. With respect to timing, Fed. R. Civ. P. 4(m) provides that if  
17      a plaintiff shows good cause for why service was not completed within 90 days after the filing  
18      of a complaint, the court must extend the time for service for an appropriate period.

19           Here, Deutsche Bank seeks an extension of time to serve process on Founders Nevada.  
20      Founders Nevada does not maintain a registered agent with the Nevada Secretary of State;  
21      however, the Nevada Secretary of State website lists several officers and directors for which  
22      Deutsche Bank to serve process in compliance with Fed. R. Civ. P. 4(h). All four officers and  
23      directors are located out-of-state and the addresses were last updated in 2005. Good cause exists  
24      for the extension of time because Deutsche Bank’s counsel was unaware that it needed to  
25      attempt service on Founders Nevada’s out-of-state officers until December 21, 2020, when  
26      Nationwide Legal Services, the vendor retained by Deutsche Bank’s counsel to serve Founders  
27      Nevada, informed counsel that it was having issues serving the entity.

28

1        In light of the COVID-19 pandemic, upcoming holidays, and the fact that the officers  
2 are located out-of-state, Deutsche Bank seeks a 60-day extension of time to serve the Summons  
3 and Complaint on Founders Nevada. This motion is made in good faith and is not intended for  
4 the purpose of delaying said action. Moreover, the parties will not be harmed or prejudiced if  
5 this Court grants the relief requested herein.

### III. CONCLUSION

7       Based on the above, Deutsche Bank requests that this Court grant the Motion to Extend  
8 Time to Serve and enter an Order granting a 60-day extension of time to serve Founders Nevada  
9 on its out-of-state officers and directors.

10 || DATED this 21<sup>st</sup> day of December, 2020.

## WRIGHT, FINLAY & ZAK, LLP

/s/ Lindsay D. Robbins, Esq.

Darren T. Brenner, Esq.

Nevada Bar No. 8386

Lindsay D. Robbins, Esq.

Nevada Bar No. 13474

7785 W. Sahara Ave.

7735 W. Sandara Drive, Suite 100  
Las Vegas, NV 89117

Las Vegas, NV 89117  
*Attorneys for Plaintiff, Deutsche Bank National  
Trust Company, as Indenture Trustee for American  
Home Mortgage Investment Trust 2007-1*

IT IS SO ORDERED.

Dated: December 29, 2020.

UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b) and Electronic Filing Procedure IV(B), I certify that on the 21<sup>st</sup> day of December 2020, a true and correct copy of this **MOTION FOR EXTENSION OF TIME TO SERVE SUMMONS AND COMPLAINT** was transmitted electronically through the Court's e-filing electronic system to the attorney(s) associated with this case.

/s/ Faith Harris

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An Employee of WRIGHT, FINLAY & ZAK, LLP

## Exhibit List

<b>Exhibit 1</b>	Printout from Nevada Secretary of State Website
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